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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,619	02/26/2007	Dale R. Du Bois	A-71748/MSS (463035-770)	2146
7590 07/30/2008 DORSEY & WHITNEY LLP 555 CALIFORNIA STREET, SUITE 1000 SUITE 1000 SAN FRANCISCO, CA 94104			EXAMINER	
			ART UNIT	PAPER NUMBER
			3742	
			MAIL DATE	DELIVERY MODE
			07/30/2008	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management



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NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
R. Du Bois	A-71748/MSS (463035-770)	2146
EXAMINER		
ART UNIT		PAPER NUMBER
3742		
MAIL DATE		DELIVERY MODE
07/30/2008		PAPER

NOTIFICATION UNDER 37 CFR 1.138(d)
Abandonment will not be recognized

Under 37 CFR 1.138(d), requesting for a refund of any previously paid fees in the above-identified application.

For the reason(s) indicated below:

Requester requests the Office to permit the appropriate officials to recognize the fees that have been made of the application. See 37 CFR 1.138(d).

Requester is authorized by 37 CFR 1.33(b)(1), (3) or (4).

Requester requests the Office to consider the application under 35 U.S.C. 111(a) on or after December 8, 2004.

Requester requests the Office to consider the application under 1.138(d) is dismissed because the applicant did not pay the fees in the above-identified application.

Requester requests the Office to consider the application under 1.138(d) is dismissed because the applicant did not pay the fees in the above-identified application.

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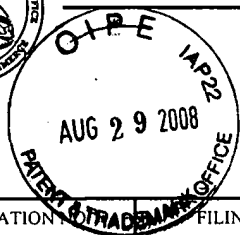
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☐ No Such Street
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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29/249,217

09/27/2006

Jacob C. Smith

52802.0079

7797

57600

7590

08/27/2008

HOLLAND & HART LLP

60 E. South Temple, Suite 2000

P.O. Box 11583

Salt Lake City, UT 84110

EXAMINER

LEVY, MELANIE S

ART UNIT

PAPER NUMBER

2911

MAIL DATE

DELIVERY MODE

08/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

SUPPLEMENTAL Notice of Allowability For A Design Application	Application No. 29/249,217	Applicant(s) SMITH ET AL.	
	Examiner MELANIE LEVY	Art Unit 2911	

– The **MAILING DATE** of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to IDS of 8/13/08.
2. ☒ The claim is allowed.
3. ☐ Acceptable drawings:
 - (a) ☐ The drawings filed on _____ are accepted by the Examiner.
 - (b) ☐ Drawing Figures filed on _____ and drawing Figures filed on _____ are accepted by the Examiner.
4. ☐ The claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) is acknowledged.
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 8/7/08 - time period runs from this date.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

Attachment(s)	
1. <input type="checkbox"/> Notice of References Cited (PTO-892)	6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____.
2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)	7. <input type="checkbox"/> Examiner's Amendment/Comment
3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Receipt Date <u>8/13/08</u>	8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance
5. <input type="checkbox"/> Notice of Informal Patent Application	9. <input type="checkbox"/> Other _____.
NOTE:	
/Cathron C Brooks/ Supervisory Patent Examiner, Art Unit 2911	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known	
		Application Number	29/249,217
		Filing Date	27 September 2006
		First Named Inventor	Jacob C. Smith
		Art Unit	2913
		Examiner Name	Melanie Levy
Sheet 1	of 1	Attorney Docket Number	52802.0079

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
/M.L./		Beman Products Catalog, 1999	
/M.L./		Easton Bowhunting and Target Archery Guide, 2004, pages 4-9, 11-13	

Examiner Signature	/Melanie Levy/	Date Considered	08/20/2008
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
 1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.
 This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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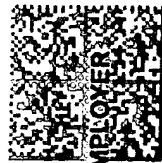
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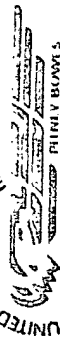
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